

REMARKS

Applicants respectfully request reconsideration in view of the amendment and following remarks. The Examiner indicated that claims 52-55 are allowable. The Examiner indicated that the subject matter of claims 43-46, 58, 61, 63 and 66 is allowable. Support for newly added claims 67-69 can be found in the specification at page 10. Support for the term “agricultural chemical” in independent claims 42 and 56 can be found in the specification at page 2, line 9. Support for component (c) in independent claims 42 and 56 can be found at pages 9 and 10. The pesticides are disclosed at page 10 of the specification and the agricultural adjuvants are listed as one of the several ingredients disclosed in the patents incorporated by reference at pages 9 and 10 of the specification. For example, US 5,178,795 states at col. 1, lines 15-30,

In order to enhance or modify the chemical and/or physical characteristics of certain pesticides, certain materials are added to form a mixture for spraying. **Generally referred to as adjuvants, these materials have no pesticidal activity of their own.** Since spray application can be critical to the performance of the agricultural chemical, **adjuvants are added to reduce application problems such as chemical stability, incompatibility, solubility, suspension, foaming, drift, evaporation, volatilization, phytotoxicity, surface tension, droplet size and coverage.** They can, depending on their type, enhance wetting, spreading, sticking, emulsifying, dispersing and biological activity. **Adjuvants include wetting agents, crop oil concentrates, spreaders, stickers, buffering agents, foaming and anti-foaming agents, dispersing agents and drift control agents.** (Emphasis added)

Claims 42, 56, 57, 59, 60, 62, 64 and 65 were rejected under 35 USC §102 (b) as being anticipated by Seheult et al US 4,717,488, (“Seheult”). Claims 42, 56, 57, 59, 62 and 64 were rejected under 35 USC §102 (b) as being anticipated by Symes et al US 4,751,422 (“Symes”) or Krijnen US 4,803,264 (“Krijnen”). The applicants respectfully traverse these rejections.

The applicants have two independent claims rejected over these references (claims 42 and 56). As the Examiner has correctly acknowledged by not rejecting the pesticide claims, none of these references disclose an additional agricultural chemical being a pesticide. The applicants

have amended claims 42 and 56 to require that these claims are directed to an agricultural composition which require an additional agricultural chemical being an agricultural adjuvant or pesticide.

Symes and Krijnen are directed methods of enhancing oil recovery (see the abstract of Symes and col. 2, lines 24-30 of Krijnen). Seheult is related to drilling and completion of oil wells (see col. 1, lines 5 and 6). The applicants believe that none of these references are related to an agricultural composition, let alone an agricultural composition containing an agricultural adjuvant or pesticide as is required by the applicants' claimed invention. For the above reasons, these rejections should be withdrawn.

A one month extension fee has been paid. **The cost of the three additional claims over twenty can be charged to Deposit Account No. 03-2775.** If there are any additional fees due in connection with the filing of this response, including any fees required for an additional extension of time under 37 CFR 1.136, such an extension is requested and the Commissioner is authorized to charge or credit any overpayment to Deposit Account No. 03-2775.

A prompt and favorable action is solicited. The applicants believe that these claims are in condition for allowance, however, if the Examiner disagrees, the applicants respectfully request that the Examiner telephone the undersigned at (302) 888-6270.

Respectfully submitted,

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